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JUN 09 2005

OFFICE OF PETITIONS

In re Patent No. 6,862,481 :
Baseem M. Demian :
Issue Date: March 1, 2005 : **DECISION ON**
Application No. 09/716,567 : **PATENT TERM ADJUSTMENT**
Filed: November 20, 2000 :
Attorney Docket No. 176746-2 :

This is a decision on the "REQUEST FOR RECONSIDERATION TO ADJUST PATENT TERM EXTENSION UNDER 37 CFR 1.705", filed March 7, 2005. Patentee requests that the patent term adjustment indicated on the patent be corrected from one hundred twenty-two (122) days to two hundred forty-two (242) days.

The application for patent term adjustment is **DISMISSED**.

On March 1, 2005, the above-identified application matured into U.S. Patent No. 6,724,593. The instant request for reconsideration filed March 7, 2005 was timely filed within two months of the date the patent issued. See §1.705(d). The Patent issued with a Patent Term Adjustment of one hundred twenty-two (122) days. Patentee states that he should not have been assessed applicant delay of one hundred twenty (120) days for the submission of drawings after the Notice of Allowance.

The adjustment of one hundred twenty (120) days for the submission of drawings after the Notice of Allowance has been determined to be correct. Patentee argues that he should not have been assessed applicant delay in responding to a Notice of

Drawing Inconsistency because an earlier Office action stated that the drawings filed on February 26, 2003 were accepted by the Examiner. However, because the drawings filed after the Notice of Allowance were not identical to the drawings filed on February 26, 2003, it is concluded that applicant failed to engage in reasonable efforts to conclude prosecution of the application under 37 C.F.R. §1.704(c)(10).

In view thereof, the correct determination of PTA at the time of issuance is **one hundred twenty-two (122)** days (306 days of PTO delay, reduced by 184 days of applicant delay).

Patentee was charged \$400 for the instant request for reconsideration of the patent term adjustment. However, only a \$200 fee is required. See 37 C.F.R. §1.18(e). Accordingly, \$200 has been refunded to Deposit Account No. 03-0678.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.

Karin Ferriter

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